



Entered on Docket
June 29, 2006

Bruce A. Markell

Hon. Bruce A. Markell
United States Bankruptcy Judge

GORDON & SILVER, LTD.
GERALD M. GORDON, ESQ.
Nevada Bar No. 229
E-mail: gmg@gordonsilver.com
GREGORY E. GARMAN, ESQ.
Nevada Bar No. 6654
E-mail: geg@gordonsilver.com
KONRAD PILATOWICZ
Nevada Bar No. 9651
E-mail: kpilatowicz@gordonsilver.com
3960 Howard Hughes Pkwy., 9th Floor
Las Vegas, Nevada 89109
Telephone (702) 796-5555
Facsimile (702) 369-2666

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,

Debtor.

In re:
USA CAPITAL REALTY ADVISORS, LLC,

Debtor.

In re:
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,

Debtor.

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,

Debtor.

In re:
USA SECURITIES, LLC,

Debtor.

Case Nos.:
BK-S-06-10725-LBR
BK-S-06-10726-LBR
BK-S-06-10727-LBR
BK-S-06-10728-LBR
BK-S-06-10729-LBR

JOINTLY ADMINISTERED
Chapter 11

**ORDER
DENYING MOTION TO
REMOVE FERTITTA
ENTERPRISES, INC. AS
MEMBER OF OFFICIAL
COMMITTEE OF
HOLDERS OF
EXECUTORY CONTRACT
RIGHTS**

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Date: June 21, 2006
 Time: 9:30 a.m.

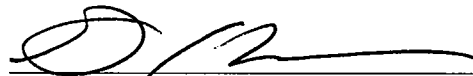
Debtors' Motion to Remove Fertitta Enterprises, Inc. as Member of Official Committee of Holders of Executory Contract Rights ("Motion") having come on for hearing before the above-captioned Court on June 21, 2006, at 9:00 a.m., Gerald M. Gordon of the law firm Gordon & Silver, Ltd., having appeared on behalf of Gordon & Silver, Ltd., and all other appearances having been noted in the record, the Court having reviewed the Motion and supporting pleadings, and having considered the testimony elicited at the hearing, statements of counsel and the pleadings filed in opposition to the Motion, and for good cause appearing therefor;

IT IS HEREBY ORDERED that the Motion is Denied.

PREPARED AND SUBMITTED:

GORDON & SILVER, LTD.

By:



GERALD M. GORDON, ESQ.

GREGORY R. GARMAN, ESQ.

KONRAD PILAYOWITZ, ESQ.

Attorneys for the Official Committee of Holders of Executory Contract Rights through USA Commercial Mortgage Company

APPROVED/DISAPPROVED:

APPROVED/DISAPPROVED:

SCHWARTZER & McPHERSON
 LAW FIRM

STUTMAN, TREISTER & GLATT, P.C.

By:

Lenard E. Schwartz, Esq.
 Attorneys for Debtors

By:

Frank A. Merola, Esq.

Eve H. Karasik, Esq.

Christine M. Pajak, Esq.

Attorney for the Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Date: June 21, 2006
Time: 9:30 a.m.


Debtors' Motion to Remove Fortitta Enterprises, Inc. as Member of Official Committee of Holders of Executory Contract Rights ("Motion") having come on for hearing before the above-captioned Court on June 21, 2006, at 9:00 a.m., Gerald M. Gordon of the law firm Gordon & Silver, Ltd., having appeared on behalf of Gordon & Silver, Ltd., and all other appearances having been noted in the record, the Court having reviewed the Motion and supporting pleadings, and having considered the testimony elicited at the hearing, statements of counsel and the pleadings filed in opposition to the Motion, and for good cause appearing therefor;

IT IS HEREBY ORDERED that the Motion is Denied.

PREPARED AND SUBMITTED:

GORDON & SILVER, LTD.

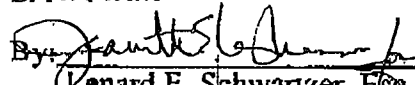
By:


GERALD M. GORDON, ESQ.
GREGORY R. GARMAN, ESQ.
KONRAD PILAYOWITZ, ESQ.

Attorneys for the Official Committee of Holders of Executory
Contract Rights through USA Commercial Mortgage Company

APPROVED/DISAPPROVED:


SCHWARTZER & MCPHERSON
LAWFIRM


Leonard E. Schwartzer, Esq.
Attorneys for Debtors

APPROVED/DISAPPROVED:

STUTMAN, TREISTER & GLATT, P.C.

By:


Frank A. Merola, Esq.
Eve H. Karasik, Esq.
Christine M. Pajak, Esq.
Attorney for the Official Committee of Equity
Security Holders of USA Capital First Trust
Deed Fund, LLC

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Date: June 21, 2006
Time: 9:30 a.m.

Debtors' Motion to Remove Fortitta Enterprises, Inc. as Member of Official Committee of Holders of Executory Contract Rights ("Motion") having come on for hearing before the above-captioned Court on June 21, 2006, at 9:00 a.m., Gerald M. Gordon of the law firm Gordon & Silver, Ltd., having appeared on behalf of Gordon & Silver, Ltd., and all other appearances having been noted in the record, the Court having reviewed the Motion and supporting pleadings, and having considered the testimony elicited at the hearing, statements of counsel and the pleadings filed in opposition to the Motion, and for good cause appearing therefor;

IT IS HEREBY ORDERED that the Motion is Denied.

PREPARED AND SUBMITTED:

GORDON & SILVER, LTD.

By: 

GERALD M. GORDON, ESQ.
GREGORY R. GARMAN, ESQ.
KONRAD PILAYOWITZ, ESQ.
Attorneys for the Official Committee of Holders of Executory
Contract Rights through USA Commercial Mortgage Company

APPROVED/DISAPPROVED:

SCHWARTZER & McPHERSON
LAWFIRM

By: _____

Lenard E. Schwartzer, Esq.
Attorneys for Debtors

APPROVED/DISAPPROVED:

STUTMAN, TREISTER & GLATT, P.C.

By: 

Frank A. Merola, Esq.
Eve H. Karasik, Esq.
Christine M. Pajak, Esq.
Attorney for the Official Committee of Equity
Security Holders of USA Capital First Trust
Deed Fund, LLC

06/22/2006 14:48 FAX

005/006

APPROVED/DISAPPROVED:

Office of the United States Trustee

By: _____
 August Landis, Esq.
 Scott Farrow, Esq.

APPROVED/DISAPPROVED:

LEWIS AND ROCA, LLP

By: Rob Charles
 Rob Charles, Esq.
 Susan M. Freeman, Esq.
 Counsel for Official Committee of Unsecured
 Creditors of USA Commercial Mortgage Company

APPROVED/DISAPPROVED:

ORRICK, HERRINGTON &
 SUTCLIFFE, LLP

By: _____
 Marc A. Levinson, Esq.
 Lynn Trinko Emce, Esq.
 Counsel for the Official Committee of
 Equity Security Holders of USA
 Capital Diversified Trust Deed Fund,
 LLC

06/22/2006 14:46 FAX

005/008

APPROVED/DISAPPROVED:

Office of the United States Trustee

By: August Landis, Esq.
Scott Farrow, Esq.

APPROVED/DISAPPROVED:

LEWIS AND ROCA, LLP

By: Rob Charles, Esq.
Susan M. Freeman, Esq.
Counsel for Official Committee of Unsecured
Creditors of USA Commercial Mortgage Company

APPROVED/DISAPPROVED:

ORRICK, HERRINGTON &
SUTCLIFFE, LLP

By: Marc A. Levinson, Esq.
Lynn Trinko Ernce, Esq.
Counsel for the Official Committee of
Equity Security Holders of USA
Capital Diversified Trust Deed Fund,
LLC

APPROVED/DISAPPROVED:

Office of the United States Trustee

By: August Landis, Esq.
Scott Farrow, Esq.

APPROVED/DISAPPROVED:

LEWIS AND ROCA, LLP

By: _____

Rob Charles, Esq.

Susan M. Freeman, Esq.

Counsel for Official Committee of Unsecured
Creditors of USA Commercial Mortgage Company

APPROVED/DISAPPROVED:

ORRICK, HERRINGTON &
SUTCLIFFE, LLP

By: _____

Marc A. Levinson, Esq.

Lynn Trinko Ernce, Esq.

Counsel for the Official Committee of
Equity Security Holders of USA
Capital Diversified Trust Deed Fund,
LLC